



THE CITY OF KEY WEST
Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

**NOTICE OF CODE VIOLATION AND
ADMINISTRATIVE HEARING**

DATE: January 9, 2016
RE: CASE NUMBER 16-20

Hand Served

To:
Janice Isherwood
523 Elizabeth St
Key West, FL 33040

Subject Address: Unsanitary Conditions @
523 Elizabeth St
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by **NOTICE OF CODE VIOLATION** concerning the above noted subject address. You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count-1: Sec.26-126 Clearing of property of debris and noxious material required.

For the purposes of promoting the *health, safety*, and general welfare of the city residents, the city manager is authorized and empowered to require that vacant lands and/or improved property within the city be cleared of debris and any noxious material, including garbage, *litter*, rubbish, refuse, *solid waste*, trash or industrial waste or high grass or weeds which tend to:

- (1) Be a breeding place or haven for snakes, rodents, insects, and vermin;**
- (2) Create a fire hazard or endanger the lives and property of the city residents;**
- (3) Create a traffic hazard; or**
- (4) Create a nuisance or other unsightly or unsanitary condition**

To wit: Responding to this complaint I conducted a site inspection and I observed and photographed a lot of litter at the front porch of the subject address. I observed empty bags and cans of cat food all over the front porch, this property has accumulated bulk waste and debris. I saw a lot of flies due to the cat and chicken feces. This address has been previously cited with Sec.26-126 on July 22, 2015 Case #15-972.

Corrective action: Please remove bulk waste, debris, litter and feces from the front porch and backyard of this property to avoid unsanitary conditions.

FYI: Photos are attached for your review.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at **Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:**

February 24, 2016

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of \$250.00 may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). Failure to pay these costs will result in a lien against the property in violation.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.

Jorge Mayorga Lopez
Code Compliance Officer
City of Key West
(305) 809-3740 Desk
(305) 797-6564 Cell
jlopez@cityofkeywest-fl.gov
Working schedule Wednesday-Sunday

Hand served this 7 day of Feb, 2016

Received by: Janice L. Howard

Served by: _____



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Tracking Number: 70132630000095428903



Updated Delivery Day: Friday, January 15, 2016

In-Transit

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

| DATE & TIME | STATUS OF ITEM | LOCATION |
|---------------------------|---|--------------------|
| January 16, 2016, 2:22 pm | Notice Left (No Authorized Recipient Available) | KEY WEST, FL 33040 |

We attempted to deliver your item at 2:22 pm on January 16, 2016 in KEY WEST, FL 33040 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If the item is undelivered by January 31, 2016 then it will be returned to sender.

January 14, 2016, 6:27 pm

Arrived at Unit

KEY WEST, FL 33040

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

70132630000095428903

[Track It](#)

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.[Sign up for My USPS >](#)**USPS.COM****HELPFUL LINKS**[Contact Us](#)
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THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 16-20

CERTIFIED MAIL # 7013 2630 0000 9542 9801

VS.

Janice Isherwood
523 Elizabeth Street
Key West, FL 33040

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come before the Special Magistrate on March 30, 2016, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard sworn testimony, having reviewed the evidence submitted, and being otherwise advised of the premises; The Special Magistrate finds that Janice Isherwood is in violation of Key West Code of Ordinances, section(s) 26-126. In that the following condition(s) exists at 523 Elizabeth Street, Key West, FL: **Count 1:** For failure to maintain the property. It is littered with empty bags and cans of cat food, bulk waste and debris.

Accordingly it is hereby
ORDERED:

1. That you pay a \$250.00 Administrative Fee. Also imposed is a fine of \$250.00 if compliance and not obtained by April 26, 2016. A compliance hearing will be held on April 27, 2016. All fines and fees are payable within thirty (30) days from the date of this order to the City of Key West, Attn: Code Compliance Division, P. O. Box 1409, Key West, FL 33040.
2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County for lien and judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

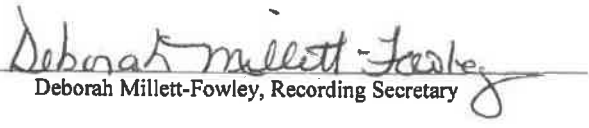
Done and Ordered this 31st day of March 2016.

The Code Enforcement Special Magistrate of the City of Key West, Florida


Donald E. Yates

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 1st day of April, 2016.


Deborah Millett-Fowley, Recording Secretary



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OF THE CITY OF KEY WEST, FLORIDA

CITY OF KEY WEST

FILE NO. 16-20

VS.

CERTIFIED MAIL # 7015 3010 0002 0218 5320

Janice Isherwood
523 Elizabeth Street
Key West, FL 33040

Doc# 2087013 08/10/2016 10:31AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Doc# 2087013
Bk# 2810 Pg# 177

ORDER IMPOSING LIEN/ **AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This cause having come before the Special Magistrate on March 30, 2016, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard sworn testimony, having reviewed the evidence submitted, and being otherwise advised of the premises; The Special Magistrate finds that Janice Isherwood is in violation of Key West Code of Ordinances, section(s) 26-126. In that the following condition(s) exists at 523 Elizabeth Street, Key West, FL: **Count 1:** For failure to maintain the property. It is littered with empty bags and cans of cat food, bulk waste and debris.

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2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County and shall constitute a lien, pursuant to Florida Statutes Section 162.09 (3), for judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

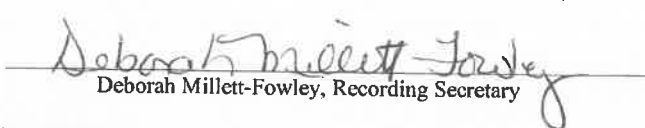
Done and Ordered this 5th day of Aug 2016.

The Code Enforcement Special Magistrate of the City of Key West, Florida


Donald E Yates

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 8th day of Aug, 2016.


Deborah Millett-Fowley, Recording Secretary

**MONROE COUNTY
OFFICIAL RECORDS**